



2-8-06

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Docket 16952-CON1-CIP3 (BOT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: KEI ROGER AOKI et al.

Examiner: GUPTA, Anish

Serial Number: 10/726,904

Art Unit: 1654

Filed: December 2, 2003

Confirmation No.: 4172

For: USE OF THE NEUROTOXIC  
COMPONENT OF A BOTULINUM  
TOXIN FOR TREATING VARIOUS  
DISORDERS AND CONDITIONS AND  
ASSOCIATED PAIN

Irvine, California

**TRANSMITTAL LETTER**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Please find enclosed with regard to the above-identified pending U.S. patent application: (1) a 6 page response to the January 31, 2006 Office Action in the above-identified patent application; (2) this 2 page Transmittal Letter, and; (3) a return postcard.

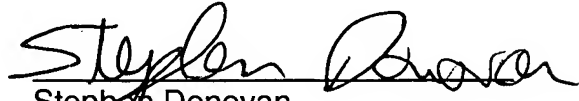
**CLAIMS AS FILED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	5	28	= 0 x		= \$0.00
Independent Claims	2	12	= 0 x		= \$0.00
If application has been amended to contain multiple dependent claim(s), then add					0 = \$0.00
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>					<b>\$0.00</b>

The Commissioner is hereby authorized to charge any fees required or necessary for the filing, processing or entering of this paper or any of the enclosed papers, and to refund any overpayment, to deposit account 01-0885.

Respectfully submitted,

Date: February 6, 2006

  
Stephen Donovan  
Registration Number 33,433

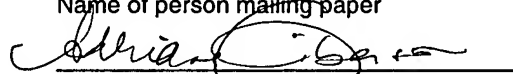
Address all inquires and correspondence to:

Stephen Donovan  
Allergan, Inc., Legal Department  
2525 Dupont Drive  
Irvine, CA 92612  
Telephone: 714 246 4026  
Fax: 714 246 4249

CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Transmittal Letter, Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date **February 6, 2006** in an envelope as "Express Mail Post Office to Addressee" Mailing Label number **EV616126821US** addressed to Mail Stop Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: February 6, 2006

Adriane Giberson  
Name of person mailing paper  
  
Signature of person signing paper



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Irvine, California

**RESPONSE TO OFFICE ACTION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**I. The Office Action**

The January 31, 2006 office action (the "Office Action") in this application requested applicant to restrict to one of the inventions of Groups I, II, III, IV and V.

Applicant wishes to bring to the Examiner's attention that there was a typographical error in the numerical sequence of the claims as filed, hence there are actually a total of 28 claims. Attached hereto is a corrected listing of the claims as they stand prior to our election.

It is assumed that Group IV is claims 15-19 and 28 and that Group V is claims 20-27.

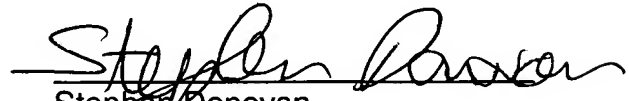
Applicant elects Group I, claims 1-5 with traverse on the basis that since all of the claims are methods using a botulinum toxin a single search should suffice to search all the claims.

The non-elected claims 6-28 are hereby cancelled, without prejudice to further prosecution at a later date.

Examination and allowance of claims 1-5 is requested.

Respectfully submitted,

Date: February 6, 2006

  
Stephen Donovan  
Registration Number 33,433

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